

CRIMINAL COMPLAINT

ORIGINAL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

ELIGIO MARTINEZ RIOS and
DANIEL OMAR MARTINEZ RIOS

DOCKET NO.

CLERK U.S. DISTRICT COURT

FEB 27 2007 CASE NO.

CENTRAL DISTRICT OF CALIFORNIA
BY

0273M

Complaint for violation of Title 21, United States Code, Sections 841(a)(1) and 846.

NAME OF MAGISTRATE JUDGE

CAROLYN TURCHIN

UNITED STATES
MAGISTRATE JUDGE

LOCATION

Los Angeles, CA

DATE OF OFFENSE

March 1, 2006 to
March 2, 2006

PLACE OF OFFENSE

Los Angeles County

ADDRESS OF ACCUSED (IF KNOWN)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about March 1, 2002, in Los Angeles County, within the Central District of California, defendants ELIGIO MARTINEZ RIOS and DANIEL OMAR MARTINEZ RIOS knowingly and intentionally conspired with each other to possess with intent to distribute more than five kilograms of a mixture or substance containing a detectable amount of cocaine, a schedule II narcotic controlled substance.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

OFFICIAL TITLE

SPECIAL AGENT -- Drug Enforcement Administration

Sworn to before me and subscribed in my presence,


SIGNATURE OF MAGISTRATE JUDGE (1)

CAROLYN TURCHIN

DATE

February 27, 2007

A F F I D A V I T

 being duly sworn, declare and state the following:

1. I am a special agent of the United States Drug Enforcement Administration and presently assigned to the DEA Los Angeles Field Division, Enforcement Group One. I have been employed by the DEA since January 2005. As a special agent assigned to the DEA Los Angeles Field Division I am tasked with investigating the illegal distribution, manufacture and transportation of controlled substances as enumerated under United States law. During my employment with the DEA, I have participated in several narcotics investigations. I have participated in physical surveillance, execution of search warrants, and arrests of narcotics traffickers. I have also spoken to informants, suspects, cooperating defendants, and other experienced narcotics investigators concerning the methods and practices of narcotics traffickers. I received approximately 640 hours of law enforcement training relating to the trafficking of controlled substances during the DEA basic agent training at the Justice Training Center in Quantico, Virginia.

2. As a DEA agent, I have developed an understanding about the actions taken by drug dealers to traffic in drugs and to conceal their illegal activities. I have also developed an awareness of the various techniques drug traffickers use to

import illegal substances into the United States and other countries. To successfully participate in these investigations, I have utilized a variety of investigative techniques and resources, including physical and electronic surveillance and various types of informants and cooperating sources, some of whom have been personally involved in criminal activity related to drug trafficking.

3. I am submitting this affidavit in support of a complaint and arrest warrants charging ELIGIO MARTINEZ RIOS, aka Pescado ("E. RIOS") and DANIEL OMAR MARTINEZ RIOS ("D. RIOS"), with violating, Title 21, United States Code, §§ 841(a)(1) and 846, possession with intent to distribute cocaine and conspiracy to possess with intent to distribute cocaine. This affidavit is solely intended to establish probable cause for the issuance of the complaint and arrest warrants and does not describe all of my knowledge or investigation of this matter.

Telephone Conversations and Surveillance on March 1 and 2, 2006

4. On March 1 and 2, 2006, members of DEA Group 1 and contract monitors intercepted a series of telephone conversations relating to the acquisition of 129 kilograms of cocaine by E. RIOS. The conversations were intercepted pursuant to a court order for the wire interception of telephone number (562) 756-4765. E. RIOS used this telephone and it will be referred to

throughout this affidavit as "target telephone #1." The Honorable Percy Anderson, United States District Judge, Central District of California, signed the order authorizing wire interception on February 21, 2006. During the conversations, the participants used coded language to discuss the cocaine transaction. The summaries below include my interpretations of the coded language which are based on my training and experience as well as the collective knowledge of my fellow agents and information I learned during the course of the investigation, including events that occurred on March 1 and 2, 2006, as summarized below.

5. On March 1, 2006, at approximately 1:54 p.m., target telephone #1 received an incoming call. During the conversation, E. RIOS informed Gato LNU that he had "about 78 bucks left." Based on my training and experience and the cocaine that we seized on March 2, 2006 (see below), I believe that E. RIOS was telling Gato LNU that he possessed 78 kilograms of cocaine. Gato LNU then asked E. RIOS to count it again and make sure it was 78 kilograms. In a subsequent call intercepted at 2:04 p.m., E. RIOS told Gato LNU, "Oh. Well yeah, what I said. Seven Eight," meaning that E. RIOS did indeed possess 78 kilograms of cocaine.

6. On March 1, 2006, at approximately 6:07 p.m., during a conversation intercepted on target telephone #1, Gato LNU told E.

RIOS to be ready that evening to because "he's going to go . . . three times." Based on my training and experience and surveillance conducted on March 1, 2006 (see below), I believe that Gato LNU was informing E. RIOS that a person identified as "Charlie" would call E. RIOS that night and arrange to deliver three shipments of cocaine to E. RIOS.

7. On March 1, 2006, at approximately 6:25 p.m., target telephone #1 received an incoming call from an unknown male. During the conversation, the UM informed E. RIOS that he would be "heading out that way" and would arrive at about 9:00 p.m. or 9:30 p.m. E. RIOS instructed the unknown male to meet him at the Rosewood Restaurant located at the corner of Paramount and Alondra in Paramount, California.

8. On March 1, 2006, at approximately 7:38 p.m., target telephone #1 received an incoming call from an unknown male (believed to be the same unknown male discussed in the preceding paragraph). During the conversation, the unknown male told E. RIOS that he would be there in about five minutes. The unknown male then stated, "There's going to . . . there's going to arrive a four zero, a five zero, and a three nine." Based on my training and experience and the subsequent surveillance and seizure, I believe that the unknown male was telling E. RIOS that the unknown male would be delivering three shipments of cocaine -

one shipment would contain 40 kilograms of cocaine, one shipment would contain 50 kilograms of cocaine, and another shipment would contain 39 kilograms of cocaine. During this conversation and a previous conversation intercepted at 6:25 p.m., the unknown male also described the vehicles in which the shipments of cocaine would be delivered as "the good looking one," "the black one," and "the brown one." Based on my training and experience, information obtained during the course of this investigation, and surveillance, I believe that the unknown male was describing three different Chevrolet Avalanche trucks - a brown one, a black one, and a black one with fancy tire rims.

9. On March 1, 2006, at approximately 8:30 p.m., agents and officers positioned themselves around the Rosewood Restaurant located at 15750 Paramount Blvd., in Paramount, California, which is at the northeast corner of the intersection of Alondra and Paramount Boulevards.

10. On March 1, 2006, at approximately 8:45 p.m., surveillance agents and officers saw a black Chevrolet Avalanche, California license plate 7X13873, leave the parking area of the Rosewood Restaurant. Surveillance agents and officers followed the vehicle but abandoned the surveillance when the following conversation was intercepted. At 8:47 p.m., during an intercepted telephone conversation on target telephone #1, E.

RIOS told an unknown male, "Yeah, it's done, man." E. RIOS then confirmed, "Yeah. Four. Zero." Based upon my training and experience, surveillance, and the subsequent seizure, I believe that E. RIOS was informing the unknown male that he had received the first shipment of 40 kilograms of cocaine.

11. On March 1, 2006, at approximately 9:50 p.m., surveillance agents and officers saw a second black Avalanche, California license 7J64745, enter the parking lot of the Rosewood Restaurant. Shortly thereafter, surveillance agents and officers saw a red Volkswagen Jetta, California license 4AWM903, park next to the black Chevrolet Avalanche. (On February 24, 2006, California Highway Patrol officers stopped the same red Volkswagen Jetta. E. RIOS was driving the Jetta. Based on this and the intercepted telephone conversations, I believe E. RIOS was driving the red Volkswagen Jetta on March 1, 2006.) Both drivers exited their respective vehicles and walked into the restaurant. Approximately eight minutes later, the driver of the red Volkswagen Jetta, believed to be E. RIOS, exited the restaurant and got into the black Chevrolet Avalanche. Meanwhile, the driver of the black Chevrolet Avalanche exited the restaurant and walked across the street. Based on my training and experience, I believe that E. RIOS and the driver of the black Chevrolet Avalanche engaged in a "vehicle switch" whereby

the recipient of the drugs (E. RIOS) drives a car loaded with the drugs (the black Chevrolet Avalanche) to the recipient's storage location, unloads the drugs, and returns the empty vehicle to the supplier. Drug traffickers use this method in order to protect the location of their storage location from potential thieves. Surveillance agents and officers followed the black Chevrolet Avalanche to First Street in Paramount, California.

12. On March 1, 2006, at approximately 9:59 p.m., target telephone #1 received an incoming call from an unknown male. The unknown male informed E. RIOS that "the black one arrived already. It, it should be arriving." E. RIOS later stated that "they told me that there were three." The unknown male stated, "Oh, well I'm just in charge of two . . . I mean, the black one and the brown one." The unknown male then clarified that the black one was not the one "that's fixed up" but it was "the regular one." The unknown male and E. RIOS then arranged to meet. Based on my training and experience, the surveillance, and the seizure, I believe that the unknown male was responsible for delivering two of the three shipments of cocaine and he was informing E. RIOS that the shipments would be delivered in a brown Chevrolet Avalanche and a black Chevrolet Avalanche. About ten minutes later, the same unknown male informed E. RIOS that he was almost there.

13. On March 1, 2006, at approximately 10:18 p.m., target telephone #1 received an incoming call. During the conversation, E. RIOS told Charlie LNU that "the other two got here already" and confirmed that it was "fifty, forty, and thirty-nine." Based on my training and experience, surveillance, and the subsequent seizure, I believe that E. RIOS was telling Charlie LNU, the supplier, that he had received two of the three shipments and confirmed that he would be receiving one shipment containing 40 kilograms of cocaine, one shipment containing 50 kilograms of cocaine, and one shipment containing 39 kilograms of cocaine.

14. On March 1, 2006, at approximately 10:59 p.m., target telephone #1 received an incoming call. During the conversation, E. RIOS told an unknown male that he would be there in about 15 minutes. Based on my training and experience, surveillance, and the subsequent seizure, I believe that E. RIOS was in the process of unloading one of the vehicles containing a shipment of cocaine at his storage location on First Street and he was informing the unknown male, who was waiting for him at the Rosewood Restaurant, that he would return to the Rosewood in about 15 minutes to either return the empty vehicle or pick up the last vehicle containing a shipment of cocaine or both.

15. On March 1, 2006, at approximately 11:04 p.m., surveillance agents and officers saw the Chevrolet black

Avalanche, California license plate 7J64745, exit the garage at 8109 First Street in Paramount, California ("the First Street residence") and followed it back to the Rosewood Restaurant. When the black Chevrolet Avalanche arrived at the Rosewood Restaurant, surveillance agents and officers saw a third brown Chevrolet Avalanche, California license 7L82794, parked in the parking lot. Meanwhile, at 11:22 p.m., target telephone #1 received an incoming call. During the conversation, an unknown male informed E. RIOS that "the guy is there inside . . . that thing. He is laying down. In the back, you know. He is laying down inside the car, but at the back." The unknown male then said, "It's the . . . the brown one. It's already there, okay." Based on my training and experience, surveillance, and then subsequent seizure, I believe the unknown male was telling E. RIOS that the person who was delivering the last shipment of cocaine was waiting for E. RIOS in the back of brown Chevrolet Avalanche in the parking lot of the Rosewood Restaurant. Surveillance agents and officers subsequently followed the brown Chevrolet Avalanche from the Rosewood Restaurant to the First Street residence.

16. On March 2, 2006, at approximately 12:20 a.m., surveillance agents and officers saw the brown Chevrolet Avalanche exit the garage of the First Street residence.

Surveillance agents and officers later saw the red Volkswagen Jetta drive into the driveway of a residence located at 6555 San Luis Street, in Paramount, California. Based on information obtained during the investigation, surveillance, and the events of March 1 and 2, 2006, I believe that E. RIOS lives at this residence.

Seizure of 207 Kilograms of Cocaine on March 2, 2006

17. On March 2, 2006, at approximately 4:00 a.m., members of the Pomona Police Department and the Orange County Regional Suppression Program executed a state search warrant at the First Street residence. The officers found 207 one-kilogram packages of cocaine in the second bedroom of the two-bedroom residence. 129 kilograms were packaged in black duct tape and were inside of several black duffel bags. The remaining 78 kilograms were packaged (heat sealed) in silver Mylar packaging and stacked inside of the closet of the bedroom. In addition, the officers found an industrial-sized heat sealer and silver Mylar packaging materials in the second bedroom. D. RIOS along with his wife, young child, and brother were located in the residence. D. RIOS and his brother were arrested.

18. After being advised of the Miranda warnings in Spanish, D. RIOS was asked if he knew why he was arrested to which he answered, "because I had drugs in the house." D. RIOS was then

asked what kind of drugs were found in the house to which he answered, "coke." D. RIOS stated that he was responsible for the rent and utilities at the First Street residence and he and his family had just moved in two weeks before. D. RIOS stated that an unknown male asked him "to hold" the drugs at his house. D. RIOS also stated that the drugs were brought into the house the previous day and it took several trips by car to get it all there. D. RIOS claimed that friends "that he met" told him to "watch the drugs."

19. Members of the Los Angeles Sheriff's Department Scientific Services Bureau subsequently tested samples of the cocaine that was seized on March 2, 2006, at the First Street residence and the samples tested positive for cocaine.

20. On March 2, 2006, at approximately 8:00 a.m., a conversation between E. RIOS and Gato LNU was intercepted on target telephone #1. During the conversation, E. RIOS told Gato LNU that "he's not answering." I believe that E. RIOS was referring to his brother, D. RIOS and was attempting to contact him regarding the cocaine seizure. E. RIOS then asked Gato LNU what they should do. GATO replied, "Nothing, nothing. What the hell can we do? We just have to wait, that's all. Just be careful there." Gato LNU later stated, "Yeah, well what I think is that possibly, possibly those fuckers brought, brought along

company." Based on my training and experience and the events of March 1, and 2, 2006, I believe that E. RIOS and Gato LNU were trying to figure out how law enforcement authorities learned of the cocaine at the First Street residence and speculated that the suppliers must have been followed by law enforcement agents and officers.

21. On March 2, 2006, at approximately 8:13 a.m., target telephone #1 received an incoming call. During the conversation, Charlie LNU asked E. RIOS, "Were the three left there yesterday?" E. RIOS answered, "Yes." Based on my training and experience and the events of March 1, and 2, 2006, I believe that E. RIOS was confirming with his supplier that he received three shipments of cocaine on March 1, 2006.

22. On March 2, 2006, at approximately 5:45 p.m., a conversation between E. RIOS and Gato LNU was intercepted. During the conversation, E. RIOS told Gato LNU that they wanted to go and talk to the guy. I believe that E. RIOS wanted to visit one or both of his brothers who were in police custody. Gato LNU warned E. RIOS not to go. E. RIOS told Gato LNU that they found one of them but the "man" could not find Chapo (referring to Jesus Martinez Rios, the other brother that was arrested). I believe that E. RIOS was explaining that their attorney located D. RIOS in custody but had not located Jesus

Rios. Gato LNU asked E. RIOS to get the report to see what happened. I believe that Gato LNU was asking E. RIOS to get the police report regarding their arrests so that they could determine how the police learned of the cocaine inside the First Street residence. E. RIOS told Gato LNU that they should send another person so they won't ask them so many questions. I believe that E. RIOS was telling Gato LNU that someone other than E. RIOS should obtain the report because he believed that he may be asked questions by law enforcement authorities who may know of his involvement in the cocaine transaction on March 1 and 2, 2006.

23. Based on the foregoing, I believe there is probable cause to believe that ELIGIO MARTINEZ RIOS, aka Pescado, and DANIEL OMAR MARTINEZ RIOS violated Title 21, United States Code, § 841(A)(1), possession with intent to distribute cocaine, and Title 21, United States Code, § 846, conspiracy to possess with intent to distribute cocaine.


Special Agent, DEA

Subscribed and sworn to before me this

27 day of February, 2007

Carolyn J. Jendri
UNITED STATES MAGISTRATE JUDGE